

## **Comments to Environmental Protection Commission - August 10, 2016**

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### Proposed changes to Antidegradation Implementation Procedure - Agenda Item 13

The purpose of Iowa's Antidegradation rules is to maintain and protect existing water quality by requiring a review of alternative treatment options for new or expanding wastewater treatment facilities. The goal is to determine whether a reasonable treatment alternative exists that would reduce pollution and to require that alternative to be implemented if it is found to be practicable, economically efficient, AND affordable.

The proposed rule changes before you today eliminate the requirement to consider environmental benefits of alternative treatment options, which is contrary to the entire purpose of Antidegradation. For example, the model Antidegradation Procedure provided by EPA Region 8 states that the MINIMUM requirement of an evaluation of alternatives must "provide substantial information pertaining to the costs *and* environmental impacts associated with" each alternative.

We understand the need for clarity and predictability in this process; however, trying to achieve this by creating a one-size-fits-all "bright line" cost limit that applies in every case, regardless of the pollutants being discharged or the local economic and environmental conditions, is misguided.

DNR has argued that the bright line test is more reasonable than the existing rule language, but we contend that the opposite is true. Anti-degradation requires a case-by-case approach because the impact of pollutants will vary by location depending on downstream uses. It's also not reasonable to apply the same cost threshold to both a small town and a large industrial facility.

The existing review procedures are reasonable and balanced, and provide a flexible approach that considers both costs and environmental impacts. If DNR believes that greater clarity is needed on how to conduct the environmental benefit review procedure, we propose that DNR work collaboratively with all of the stakeholders to provide more detailed guidance to applicants. We would welcome the opportunity to contribute to such a collaborative effort.

Finally, it's important to point out to the Commission that while DNR's Responsiveness Summary lists several states with binding cost tests for economic efficiency, none of these state procedures were approved under the new federal requirements issued by EPA in August of 2015.

We strongly believe that the changes that DNR is proposing are not consistent with the new federal minimum requirements for state Antidegradation programs. EPA is required to review and approve - or disapprove - these changes to Iowa's water quality standards. If they disapprove, then any permits issued based on this revised procedure would be invalid under the Clean Water Act.

We urge you to reject the proposed rule changes and keep clean water clean in Iowa.